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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,043	10/12/2001	Aswin Chandramouleeswaran	10017249-1	3751

7590

10/05/2005

HEWLETT-PACKARD COMPANY
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EXAMINER

TRUJILLO, JAMES K

ART UNIT PAPER NUMBER

2116

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,043

Applicant(s)

CHANDRAMOULEESWARAN ET AL.

Examiner

James K. Trujillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,9,15 and 16 is/are allowed.
- 6) ☐ Claim(s) 1, 4-8, 10-14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The office acknowledges the receipt of the following and placed of record in the file:

Amendment dated 9/12/05.

2. Claims 1-20 are presented for examination.

Claim Objections

3. Claim 5 is objected to because of the following informalities: on line 4 of the claim

“least” should follow “at”, for purposes of clarity. Appropriate correction is required.

Response to Arguments

4. Applicant’s arguments, see page 13, lines 6-18, filed 9/12/05, with respect to claims 1, 4-8, 10-14 and 17-20 have been fully considered and are persuasive. The rejections of claims 1, 4-8, 10-14 and 17-20 have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Applicants Admitted Prior Art.

In view of newly found prior art and arguments presented by the applicants the Office hereby withdraws the finality of the previous Office Action and prosecution of the application has been reopened.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

Applicants Admitted Prior Art (AAPA).

7. Regarding claim 1, AAPA teaches a method for operating a computing apparatus comprising:

- a. specifying proposed changes to a plurality of tunable parameters of tunable kernel modules (administrators wishing to change related values of tunable parameters, paragraphs 1 and 2 of the Background of the Invention);
- b. determining whether application of the changes would violate a set of constraints (carefully changing the values in order to avoid violating constraints, paragraphs 1 and 2 of the Background of the Invention); and
- c. effectuating either none or all of the changes depending upon whether the changes were determined to violate any or none of the constraints, respectively (carefully changing the values in order to avoid violating the constraints, paragraphs 1 and 2 of the Background of the Invention).

8. Regarding claim 4, AAPA teaches wherein effectuating all of the changes comprises changing the values of the plurality of tunable parameters in a predefined order (careful to change the “values” in proper order, paragraph [0003]).

9. Regarding claim 7, AAPA taught the method according to claim 2, as described above. AAPA further teaches comprising specifying an order in which said proposed new values are to take effect, and effectuating the changes in the specified order (the administrator must be careful to follow the proper order, paragraphs 2 and 3 of the Background of the Invention).

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10. Regarding claim 8, AAPA teaches the claimed method therefore he also the claimed computing apparatus.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5, 6, 11, 12, 14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of “Dynamically Tunable Kernel Parameters in HP-UX 11i” an HP-UX 11i white paper from Hewlett-Packard (cited in IDS dated 5/6/2005, hereinafter, “the White Paper”).

13. Regarding claim 5, AAPA taught the method according to claim 1 as described above. AAPA does not expressly disclose wherein effectuating all of the changes comprises either rebooting the operating system kernel before effecting said changes or effecting said changed prior to rebooting the operating system kernel, conditioned upon whether at least one of the tunable parameters is a static tunable parameter.

The White Paper teaches wherein effectuating all of the changes comprises either rebooting the operating system kernel before effecting said changes or effecting said changed prior to rebooting the operating system kernel, conditioned upon whether at least one of the tunable parameters is a static tunable parameter (page 4, lines 1-15 and page 4 lines 22-25). Specifically, the White Paper teaches that there are two types of kernels, static and dynamic.

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The static kernel parameters require a reboot when changed and a dynamic kernel parameter does not require a reboot when changed. The White Paper teaches that is necessary to reboot when changing a static kernel parameter. Thus, the White Paper teaches that in order to properly change a tunable kernel parameter it is necessary to reboot the operating system kernel a static tunable kernel parameter while a dynamic kernel parameter does not require a reboot.

It would have been obvious to one of ordinary skill in the art, having the teachings of AAPA and the White Paper before them at the time the of invention, to modify the rebooting of the operating system of AAPA by implement rebooting the operating system before effecting the changes or effecting said change prior to rebooting the operating system as taught by the White Paper.

One of ordinary skill in the art would have been modified to make this modification because it is necessary in order to properly change a tunable kernel parameter and have an effect on the system.

14. Regarding claim 6, AAPA taught the method according to claim 1, as described above. AAPA does not expressly disclose further comprising specifying a time at which said proposed changes are to be effectuated and effectuating said proposed changes. The White Paper further teaches comprising specifying a time at which said proposed changes are to be effectuated, and effectuating said proposed changes (page 4, lines 1-8, page 5, line 13 through page 6, line 22). The White Paper teaches when the changes take effect such as at a reboot for static tunable parameters, or immediately if it is dynamic tunable parameters.

15. Regarding claim 14, AAPA teaches instructing a computing apparatus having a central processing unit and a memory to:

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- a. specify proposed changes to a plurality of tunable parameters of tunable kernel modules (administrators wishing to change related values of tunable parameters, paragraphs 1 and 2 of the Background of the Invention);
- b. determine whether application of the changes would violate a set of constraints (carefully changing the values in order to avoid violating constraints, paragraphs 1 and 2 of the Background of the Invention); and
- c. effectuate either none or all of the changes depending upon whether the changes were determined to violate any or none of the constraints, respectively (carefully changing the values in order to avoid violating the constraints, paragraphs 1 and 2 of the Background of the Invention).

However AAPA does not expressly disclose wherein the instructing is on a medium or media having machine-readable instructions recorded thereon to perform the instructing.

The White Paper teaches wherein a medium or media having machine readable instruction recorded thereon perform instructing a computing apparatus to specify changes to a plurality of tunable kernels (writing software, which inherently requires a machine readable media, which changes tunable parameters, abstract and page 5, lines 13-17). The White Paper is in the same field of endeavor as that of AAPA in that both are directed toward changing tunable kernel parameters. By implementing software to change a plurality of tunable kernels the White Paper provides the advantage automatically implementing the changes making it easier for a user to operate the system.

It would have been obvious to one of ordinary skill in the art, having the teaching of AAPA and the White Paper before them at the time the invention was made, to modify the

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changing the tunable kernel modules as taught by AAPA using the media having machine-readable instruction thereon to perform the instruction as taught the White Paper.

One of ordinary skill in the art would have been motivated to make the modification in order to provide the advantage of automatically implement the changes making it easier for a user to operate the system.

16. Regarding claims 11, 12 and 17-20, AAPA together with the White Paper taught the claimed method therefore they also taught the claimed apparatus and media having machine-readable instructions.

Allowable Subject Matter

17. Claim 2-3, 9 and 15-16 are allowed.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James K. Trujillo whose telephone number is (571) 272-3677. The examiner can normally be reached on M-F (7:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "James K. Trujillo", with the date "9/29/05" written below it.

James K. Trujillo
Patent Examiner
Technology Center 2100